



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,333	09/18/2003	Robert Fransdonk	5782P029	5440
7590	07/10/2008		EXAMINER	
Andre L. Marais SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. 121 South Eighth Street Minneapolis, MN 55402			WIN, AUNG T	
			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			07/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/665,333	FRANSDONK, ROBERT	
	Examiner	Art Unit	
	AUNG T. WIN	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 March 2008.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-36 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negative by the manner in which the invention was made.

1. Claims 1 – 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lagerweij et al. (US20030217163A1) in view of Jacoby (US20040254887A1), further in view of Seago et al. (US20040054923A1).

1.1 Regarding Claims 1 & 35, Lagerweij discloses media delivery network comprising a media server [content server 3: Figure 2] to store the content to deliver to a content consumer upon request and an assessment module 10 to control the content delivery based on access rights to requested content [conditional grant of access to the content stream: 45] [If a content-access-rights duration or expiration is defined, the assessment module will close the content stream to the user device accordingly: 0048].

Lagerweij discloses assessment module of the content server controls the content delivery by allowing users to access the content for a limited time [content duration: 0040, 0048], after which access is blocked. Therefore, it would have been obvious to one of ordinary skilled in the art that the content server must have timing mechanism so that delivery of the content to the content consumer is timed in order to control content access time of the users.

Jacoby teaches access control method for multimedia data service in which user access rights are updated with delivered time data in response to a delivered time during which the content was delivered to the content consumer, the limitation which is not explicitly taught by Lagerweij [Jacoby reference, user account and user database server: 0042 & 0043] [decrementing the user's account with delivered timed data as claimed: 0052-0054] [purchased product includes the amount of streaming time purchased and user account includes the amount of streaming time remaining in the user account: 0038, 0042, 0043, 0052] [also see streaming media files transmitted includes ownership information, embedded metering events, etc: 0027-0030, 0052-0054]

Therefore, it would have been obvious to one of ordinary skilled in the art at the time of invention of made to modify Lagerweij's media delivery network with pay-per-time access control method as taught by Jacoby so that user access rights are updated with delivered time data as claimed. One of ordinary skilled in the art at the time of invention of made to do this to enhance the access control method in providing streaming media service.

The network as modified does not explicitly teach digital rights server to store content consumer rights and content owner rights as claimed. However, it would have been obvious to one of ordinary skill in the art that Lagerweij system must have a server to store content consumer rights because Lagerweij teaches content delivery system based on consumer's rights-to-access defined by content owner [owner of the content defines the right of access according to rules which can be configurable by owner: 0040 of Lagerweij] [also see ownership information: 0027 of Jacoby].

Seago discloses wireless content delivery network 100 [Figure 1] comprising data storage server (claimed media server and digital rights server) to store content consumer rights defining access rights of a content consumer with respect to content [Client rights profiles 158: Figure 1] and content owner rights defining access policies to the content as established by content provider [Access/Rights Rules Sets 160: Figure 1]. Seago also teaches that access rights of the content consumer are updated when requested content is delivered to the content consumer as necessary [content action is performed at 276 followed by an updating as necessary of the client rights profiles: 0042].

Therefore, it would have been obvious to one of ordinary skilled in the art at the time of invention of made to further modify access pay-per-time content delivery network with digital right server as taught by Seago to maintain and update the content consumer access rights and owner rights as claimed. One of ordinary skilled in the art at the time of invention of made to do this to provide improved content delivery network without the need for extensive signaling within network devices.

1.2 Claim 17 is the method claim rejected for the same reason as stated above in Claim 1 rejection because claimed steps substantially close to corresponding steps executed by means cited in Claim 1.

1.3 Claim 28 is also rejected for the same reason as stated above in Claims 1 & 17 rejection because claimed monitoring method is substantially close to corresponding method utilized in network as claimed in claim 1. It would have been obvious to one of ordinary skilled in the art

that the modified method and network teaches monitoring method with signaling sequences as claimed because the modified network provide pay-per-time streaming media delivery method based on user request in which user request comprises requested streaming media identification [Lagerweij discloses providing media per session: (football match: 0040) (live racing event: 0049)] [Jacoby discloses streaming media file are identified: 0033-0035, 0046, 0056].

1.4 Claim 36 is also rejected for the same reason as stated above in Claim 1 rejection. Modified network is computer based operation method, therefore, it would have been obvious to one of ordinary skilled in the art that modified content provisioning system must be integrated with claimed medium storing executable instructions for performing claimed steps.

1.5 Claims 2 & 18 are rejected for the same reason as stated above in Claims 1 & 17 rejection because modified network teaches controlling the content deliver based on control event initiated by the content consumer as claimed [Lagerweij: (user is allowed to stop, pause and restart a stream: 0042)].

1.6 Claims 3, 20 & 31 are rejected for the same reason as stated above in Claims 1, 17 & 28 rejection. Modified network teaches a plurality of content providers [Seago: Content providers 190: Figure 1].

1.7 Claims 4, 7, 8, 19, 22, 29, 30 & 33 are rejected for the same reason as stated above in Claims 1, 17 & 28 rejection because modified network teaches denying the content delivery after

authorized time duration is reached [Lagerweij: (football match for 60 minutes: 0040)] [If a content-access-rights duration or expiration is defined, the assessment module will close the content stream to the user device accordingly: 0048] [also see Jacoby reference, user account and user database server: 0042 & 0043] [decrementing the user's account with delivered timed data as claimed: 0052-0054] [purchased product includes the amount of streaming time purchased and user account includes the amount of streaming time remaining in the user account: 0038, 0042, 0043, 0052]. As stated above, because modified network teaches pay-per-time access service for streaming media sessions, it would have been obvious to one of ordinary skilled in the art that modified network teaches as claimed in 4, 7, 8, 19, 22, 29, 30 & 33.

1.8 Claims 5, 21 & 32 are rejected for the same reason as stated above in Claims 1, 17 & 28 rejections. It would have been obvious to one of ordinary skilled in the art the modified network teaches communication between media server and digital rights server as claimed because modified network teaches provisioning user authorized time for accessing streaming data for different streaming sessions [see claim 1 rejection for modified pay per time access method for streaming media service].

1.9 Claim 6 is rejected for the same reason as stated above in Claim 1 rejection. It would have been obvious to one of ordinary skilled in the art that the modified network teaches the network of claim 1, wherein, further delivery is denied after a certain position within the media has been reached [Lagerweij: (a certain position i.e., when the race ends: 0049)].

1.10 Claims 9, 10, 24 & 25 are rejected for the same reason as stated above in Claims 1 & 17 rejection. It would have been obvious to one of ordinary skilled in the art the modified network teaches communication between media server and digital rights server as claimed because modified network teaches provisioning user authorized time for accessing streaming data for different sessions based on modified digital right server and content media server [see claim 1 rejection] [Lagerweij: (football match for 60 minutes: 0040)] [If a content-access-rights duration or expiration is defined, the assessment module will close the content stream to the user device accordingly: 0048] [also see Jacoby reference, user account and user database server: 0042 & 0043] [decrementing the user's account with delivered timed data as claimed: 0052-0054] [purchased product includes the amount of streaming time purchased and user account includes the amount of streaming time remaining in the user account: 0038, 0042, 0043, 0052]

1.11 Claims 11, 12, 13 & 26 are rejected for the same reason as stated above in Claims 1 & 17 rejection. It would have been obvious that modified network teaches claimed digital right agent because content delivery is based on owner rights defined by content owner (second access operation) and content consumer rights purchased from service provider by content consumer [Seago: (Rights manager 170, Rights Granted Mechanism and Usage & Rights Reporting Mechanism 168)].

1.12 Claim 14 is rejected for the same reason as stated above in Claim 1 rejection. It would have been obvious to one of ordinary skilled in the art that modified network teaches updating

rights as claimed because modified network allow the content consumer to update their rights [Seago: 0025].

1.13 Claim 15 is rejected for the same reason as stated above in Claim 1 rejection. It would have been obvious to one of ordinary skilled in the art that modified network teaches the network of claim 1, wherein the content consumer rights are acquired from a content distributor with which the content consumer has a relationship as claimed because operator of the modified network is the content distributor which maintain the content consumer rights and deliver the content based on the stored content consumer rights.

1.14 Claims 16, 23 & 34 are rejected for the same reason as stated above in Claims 1, 17 & 28 rejection. It would have been obvious to one of ordinary skill in the art the modified network teaches communication between media server and digital rights server as claimed because modified network teaches provisioning user authorized time (i.e., determining an amount of authorized delivery time remaining: see claim 1 rejection) for accessing streaming data for limited time based on modified digital right server and content media server. It would have been obvious to one of ordinary skilled in the art that modified network teaches requesting step as claimed in order to hold the content the delivery from the content server in operating pay-per-time content delivery service.

1.15 Claim 27 is rejected for the same reason as stated above in Claim 17 rejection. It would have been obvious to one of ordinary skilled in the art that modified network teaches claimed

associating step in order for the modified network to provide content delivery service based on content consumer access rights [see claim 17 rejection].

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 36 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 36 claims a machine-readable medium where the specification specifically mentions examples of the machine-readable medium that include carrier wave signals (see page 48 paragraph 0088 last line) which do not fall under statutory subject matter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AUNG T. WIN whose telephone number is (571)272-7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung T Win/

Examiner, Art Unit 2617/

/Rafael Pérez-Gutiérrez/

Supervisory Patent Examiner, Art Unit 2617